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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MAX SMIETANA,

15 Defendant.

Case No. 2:19-mj-00584-NJK

**STIPULATION TO ADVANCE**  
**SENTENCING HEARING**  
(First Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
20 and Robert O'Brien, Assistant Federal Public Defender, counsel for Max Smietana, that the  
21 Sentencing Hearing currently scheduled on March 18, 2020, be advanced to Monday, March 9,  
22 2020.

23 This Stipulation is entered into for the following reasons:

24 1. Defendant is currently in custody, pending his sentencing hearing on March 18,  
25 2020;  
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2. The U.S. Probation Office will complete the defendant's Pre-Sentence Report on March 6, 2020;

3. At the time the PSR will be filed, Defendant will have been in custody for 80 days on this case;

4. Defendant agrees with the need for the advance.

5. The parties agree to the advance.

This is the first request for an advance of the sentencing hearing.

DATED this 13th day of February, 2020.

RENE L. VALLADARES  
Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

*/s/ Robert O'Brien*  
By \_\_\_\_\_

ROBERT O'BRIEN  
Assistant Federal Public Defender

*/s/ Rachel Kent*  
By \_\_\_\_\_

RACHEL KENT  
Special Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MAX SMIETANA,

7 Defendant.

Case No. 2:19-mj-00584-NJK

**ORDER**

9 The stipulation to advance sentencing is GRANTED in part. Sentencing will be held  
10 at 8:30 a.m. on March 10, 2020. Notwithstanding the timing provisions in Local  
11 Criminal Rule 32, the presentence report will continue to be due by March 6, 2020.  
12 See Local Rule IA 1-4 (allowing changing of local rules in the interest of justice).  
IT IS SO ORDERED.

13 DATED February 14, 2020

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15   
16 UNITED STATES MAGISTRATE JUDGE